IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.15346 of 2007**

DATE OF DECISION: October 4, 2007

GURJIT KAUR ...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE T.P.S. MANN.

PRESENT: MR. J.K. SIBBAL, SR. ADVOCATE
WITH MR. SAPAN DHIR, ADVOCATE FOR THE PETITIONER.

ASHUTOSH MOHUNTA, J. (ORAL)

Mr. J.K. Sibal, learned Sr. Advocate, counsel for the petitioner submits that this Court in CWP No.1926 of 1997 titled as *Usha Rani and others* vs. *State of Punjab. & others* decided on May 19, 2005 had passed the following order:-

> *"We have heard the learned counsel for the parties who are before us today.*
>
> *We find that in view of the very nature of the facts and the record and the questions raised in this bunch of petitions and also arising out of the report of Sh. R.L. Kalsia, Director, Social Security Women and Child Development, Punjab, Chandigarh, which has been submitted before us in Court, it is*

not possible for us to examine inter-se claim of the parties, on account of seriously disputed questions of fact but as this matter has been pending in this Court at the motion stage since the year 1997, we deem it appropriate that either the State Government itself or through some Committee, should have the issues examined after hearing all those who are likely to be affected and after giving them an opportunity of filing objections against the report and to take a decision on the issues raised within 12 months from today.

Till the Government takes the decision, we direct that the interim orders granted in the present set of writ petitions shall continue to operate. We also permit all the parties in the writ petitions to file a fresh set of objections, should they so desire, within a period of one month from the date that a certified copy of this order is supplied to them.

The writ petitions are accordingly disposed of.

Copy of the order be given Dasti to the learned counsel for the parties."

Learned counsel submits that in pursuance to the aforementioned orders, a Committee was constituted which perhaps has submitted its report. As per the report, now the petitioner has been issued show cause notice (Annexure P-3). However, the Report of the Committee

constituted by the State Government has not been supplied to the petitioner, hence the petitioner is handicapped in filing objections to the said Report. Learned counsel submits that the respondents be directed to furnish a copy of the Report of the Committee headed by Sh. Satish Chandra, IAS, Commissioner, dated 27.2.2007, to enable the petitioner to file objections against the said Report before the competent authority.

Notice of motion.

On asking of the Court, Ms. Nidhi Garg, AAG, Punjab accepts notice on behalf of the respondents,

After hearing learned counsel for the petitioner, we dispose of this writ petition with a direction to respondent No.1 to supply a copy of the Report of the Committee dated 27.2.2007, headed by Sh. Satish Chandra, IAS, Commissioner to the petitioner within a period of three weeks from the date of receipt of certified copy of this order.

On receipt of the Report, the petitioner may file her reply within a period of two weeks thereafter.

In the meantime, no action in pursuance to the show cause notice issued to the petitioner be taken against her.

Copy of the order be given dasti.

(ASHUTOSH MOHUNTA)
JUDGE

October 4, 2007
Gulati

(T.P.S. MANN)
JUDGE